



PUBLIC NOTICE

FEDERAL COMMUNICATIONS COMMISSION
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ENFORCEMENT BUREAU FIELD OFFICES LIST OF NOTICES OF APPARENT LIABILITY ISSUED

The following is a list of Notices of Apparent Liability issued by the Enforcement Bureau's Field Offices during the period November 1, 2002 through November 30, 2002. During this period, the Field Offices issued 27 Notices of Apparent Liability ("NALs") in amounts totaling \$ 271,000 for violations of the Communications Act of 1934, as amended, 47 U.S.C. § 151, *et. seq.*, and/or the FCC's rules. As detailed below, of the 27 NALs issued, 20 involved violations of the Commission's safety-related rules (*e.g.*, Emergency Alert System, antenna structure registration, painting and lighting and AM fencing requirements). The Commission cautions licensees and antenna structure owners that the Commission takes compliance with these rules seriously. Failure to comply with these rules may result in significant enforcement action.

This list is provided for information purposes only and does not provide parties with additional rights. Parties wishing to make a payment or file a response to a NAL must do so in accordance with the instructions and by the deadline set forth in the NAL.

Communications Act

- **47 U.S.C. § 301 – Unauthorized Operation**
 - ***Ian R. Walker, Jacksonville, FL. \$10,000 NAL.*** Tampa, FL District Office (11/5/02).
 - ***ServisAir, Newark, NJ. \$10,000 NAL.*** New York, NY District Office (11/13/02).
 - ***Assondieu Fortune, Naples, FL. \$10,000 NAL.*** Tampa, FL District Office (11/18/02).
 - ***Jhony Desinor, Naples, FL. \$10,000 NAL.*** Tampa, FL District Office (11/18/02).

47 C.F.R. Part 11 – Emergency Alert System (EAS) Rules

- **47 C.F.R. § 11.35 – Equipment Operational Readiness**
 - ***Fayette County Broadcasting, WSTN(AM), West Helena, Arkansas. \$8,000 NAL.*** Atlanta, GA District Office (11/5/02).
 - ***Mediacom. \$8,000 NAL.*** Kansas City, MO District Office (11/5/02).
 - ***Floyd County Broadcasting Company, Inc., WMDJ-FM, Martin, KY. \$8,000 NAL.*** Detroit, MI District Office (11/6/02).
 - ***Arrow Communications of N.Y., Inc., WPIG(FM), WDHL(AM), Williamsport, PA. \$8,000 NAL.*** Buffalo, NY Resident Agent Office (11/7/02).

- ***Small Town Radio, Inc., WDGR(AM), Alpharetta, GA. \$15,000 NAL.*** Other violation: 47 C.F.R. § 73.49 (AM Transmission Fencing Requirement). Atlanta, GA District Office (11/13/02).
- ***Pilgrim Communications, Inc., KWYD(AM), Colorado Springs, CO. \$19,000 NAL.*** Other violations: 47 C.F.R. §§ 73.1125 (Station Main Studio Location), 73.1560 (Operating Power and Mode Tolerances) and 73.1745 (Unauthorized Operation). Denver, CO District Office (11/20/02).
- ***HBC License Corporation, licensee of Station KHOT-FM, Paradise Valley, Arizona and Station KHOV-FM, Wickenburg, Arizona. \$ 8,000 NAL.*** Other violation: 47 C.F.R. § 11.61 (Tests of EAS Procedures). San Diego, CA District Office (11/29/02).

47 C.F.R. Part 17 – Construction, Marking and Lighting of Antenna Structures

- **47 C.F.R. § 17.4 – Antenna Structure Registration**
 - ***Georgia Transmission Corp., Tucker, GA. \$3,000 NAL.*** Atlanta, GA District Office (11/5/02).
 - ***NRS Enterprises, Inc., Tullahoma, TN. \$3,000 NAL.*** Atlanta, GA District Office (11/5/02).
- **47 C.F.R. § 17.48 – Notification of Extinguishment and Improper Functioning of Lights**
 - ***CenturyTel Wireless of Michigan RSA # 1& 2, Inc., Vancouver, WA. \$13,000 NAL.*** Detroit, MI District Office (11/8/02).
- **47 C.F.R. § 17.50 – Cleaning and Repainting**
 - ***4M of Richmond, Inc., WLEE, Richmond, VA. \$21,000 NAL.*** Other violations: 47 C.F.R. §§ 73.49 (AM Transmission Fencing Requirements) and 73.1745 (Unauthorized Operation). Norfolk, VA Resident Agent Office (11/4/02).
 - ***Clear Channel Broadcasting, Inc., Utica, NY. \$10,000 NAL.*** Buffalo, NY Resident Agent Office (11/7/02).
 - ***Niagara Mohawk Power Corporation, Miser Hill, Rutland, NY. \$10,000 NAL.*** Buffalo, NY Resident Agent Office (11/7/02).
- **47 C.F.R. § 17.51 – Time When Lights Should Be Exhibited**
 - ***Westshore Broadcasting, Inc., WOCA, St. Petersburg, FL. \$20,000 NAL.*** Other violations: 47 C.F.R. §§ 17.57 (Report of Radio Transmitting Antenna Construction, Alteration, and/or Removal) and 73.49 (AM Transmission System Fencing Requirements). Tampa, FL District Office (11/1/02).
 - ***AAT Communications Corporation, Iselin, NJ. \$10,000 NAL.*** Kansas City, MO District Office (11/5/02).
 - ***Steven D. Semon, Jackie L. Semon dba Sedalia Smiles, Sedalia, MO. \$10,000 NAL.*** Kansas City, MO District Office (11/5/02).
 - ***Entergy Services, Inc., Little Rock, Arkansas. \$10,000 NAL.*** New Orleans, LA District Office (11/6/02).
- **47 C.F.R. § 17.57 – Report of Radio Transmitting Antenna Construction, Alteration, and/or Removal.**

- **Verizon Wireless, Alpharetta, GA. \$6,000 NAL.** Atlanta, GA District Office (11/5/02).

47 C.F.R. Part 73 – Radio Broadcast Services

- **47 C.F.R. § 73.49 – AM Transmission Fencing Requirements**
 - **Marshall County Radio Corp., WAXO, Lewisburg, TN. \$7,000 NAL.** Atlanta, GA District Office (11/5/02).
 - **State Broadcasting Corporation, WMLT, Gulfport, Mississippi. \$7,000 NAL.** Atlanta, GA District Office (11/5/02).
- **47 C.F.R. § 73.1125 – Station Main Studio Location**
 - **Metropolitan Radio Group, Inc., KTKC, Springfield, MO. \$12,000 NAL.** New Orleans, LA District Office (11/19/02).
 - **Pilgrim Communications, Inc., KSKE(AM), Vail, CO. \$11,000 NAL.** Other violations: 47 C.F.R. §§ 73.1560 (Operating Power and Mode Tolerances) and 73.1745 (Unauthorized Operation). Denver, CO District Office (11/20/02).
- **47 C.F.R. § 73.1745 – Unauthorized Operation**
 - **Home Radio, LL, Knoxville, licensee of Station WMTN, Morristown, TN. \$4,000 NAL.** Atlanta, GA District Office (11/5/02).